

Special Education Discipline Data Collection

General Instructions:

1. Counts should cover the entire school year.
2. Children should be reported (1) by disability, (2) by race/ethnicity, (3) by gender, and (4) by limited English proficiency status.
3. Include children ages 3-21 who have IEPs. (Special Education only)

Selected Definitions:

Dangerous Weapon – A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, **except that such a term does NOT include a pocket knife with a blade of less than 2 ½ inches in length.**

Disciplinary Removal – Any instance in which a child is removed from his/her educational placement for disciplinary purposes, including in-school suspension, out-of-school suspension, expulsion, removal by school personnel to an interim alternative educational setting for drug or weapon offenses or serious bodily injury, and removal by an **SDE-appointed hearing officer** for likely injury to self or others.

Drug Offenses – The use, possession, sale, or solicitation of drugs as identified in 21 U.S.C. Section 812. **These offenses do NOT include use, possession, sale, or solicitation of alcohol or tobacco.**

Expulsion – An action taken by the local educational agency removing a child from his/her regular school for disciplinary purposes for the remainder of the school year or longer, in accordance with local educational agency policy. Include removals resulting from violations of the Gun Free School Act that are modified to less than 365 days.

In-School Suspension – Instances in which a child is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision.

Interim Alternative Educational Setting – An appropriate setting determined by the child's IEP team in which the child is placed for no more than 45 school days. This setting enables the child to continue to receive educational services and participate in the general education curriculum (although in another setting) and

to progress toward meeting the goals set out in the IEP. As appropriate, the setting includes a functional behavioral assessment and behavioral intervention services and modifications to address the behavior violation so that it does not recur.

Out-of-School Suspension – Instances in which a child is temporarily removed from his/her regular school for disciplinary purposes to another setting (e.g., home, behavior center). This includes both removals in which no IEP services are provided because the removal is 10 days or less as well as removals in which the child continues to receive services according to his/her IEP.

Removal by a Hearing Officer – Those instances in which an impartial hearing officer, appointed by the SDE as a result of a request for an expedited hearing, orders the removal of children with disabilities from their current educational placement to an appropriate alternative educational setting for not more than 45 school days based on the hearing officer's determination that maintaining the child's current placement is substantially likely to result in injury to the child or others. **The IEP team is responsible for determining the interim alternative educational setting.**

Serious Bodily Injury – A bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty.

Unilateral Removal – Instances in which school personnel (not the IEP team) order the removal of children with disabilities from their current educational placement to an appropriate interim alternative educational setting for not more than 45 school days. The IEP team is responsible for determining the interim alternative educational setting. Unilateral removals do NOT include decisions by the IEP team to change a student's placement, if the student has not been prohibited from attending his/her usual classes.

Specific Instructions for Special Education Discipline Data Report

Specific Instructions

Section A: Disciplinary Removal Type by Disability

In Section A, information is reported by disability category. In columns 1 through 5, States *must* report the number of children in each column by disability category.

In column 1A, report the number of children ages 3-21 who were unilaterally removed for drug or weapons offenses **or serious bodily injury** (as defined above) by school personnel (NOT the IEP team) from their current educational placement to an interim alternative educational setting (determined by the IEP team). Children with more than one unilateral removal should be counted only once in column 1A.

Columns 1B, 1C, and 1D are counts of removals. Each child reported in column 1A should be reported at least once in columns 1B, 1C, or 1D.

In column 1B, report the total number of times the children reported in column 1A were unilaterally removed for drug offenses, as defined above.

In column 1C, report the total number of times the children reported in column 1A were unilaterally removed for weapons offenses, as defined above.

In column 1D, report the total number of times the children reported in column 1A were unilaterally removed for inflicting serious bodily injury on another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or LEA.

If a child reported in column 1A was unilaterally removed to an Interim Alternative Educational Setting more than once then this child should be counted more than once in columns 1B, 1C, or 1D. If, in the course of a single incident, a child committed more than one type of offense, then report the child in each of the appropriate columns. For example, if the child committed both a drug offense and a weapon offense during the same incident, report the drug offense in column 1B and report the weapon offense in column 1C. Every child reported in columns 1B, 1C, and/or 1D should be counted once, and only once, in column 1A.

Children who were removed from school by school personnel for drugs, weapons, or serious bodily injury for 10 days or less and were NOT sent to an Interim Alternative Educational Setting, should be reported as having been suspended. Do not include these children in column 1A.

Children who were removed from school by school personnel for drugs, weapons, or serious bodily injury and who were sent to an Interim Alternative Educational Setting for 45 days or less should be reported in column 1A. This includes children who were sent to an IAES for 10 days or less.

In column 2, report the number of children ages 3-21, who were removed to an interim alternative educational setting based on a hearing officer determination of likely injury to themselves or others. Children removed by a hearing officer more than once should be counted only once in column 2.

Column 3 is a report of children ages 3-21 with out-of-school suspensions or expulsions.

In column 3A, report the number of children ages 3-21 with out-of-school suspensions or expulsions summing to 10 days or less during the school year for any offense or combination of offenses. No child should be reported more than once in column 3A.

In column 3B, report the number children ages 3-21 with out-of-school suspensions or expulsions summing to more than 10 days during the school year for any offense or combination of offenses. No child should be reported more than once in column 3B.

NOTE: No child should be reported in both column 3A and column 3B. The sum of 3A and 3B is the total number of children with out-of-school suspensions or expulsions during the school year.

Column 4 is a report of children ages 3-21 with in-school suspensions.

In column 4A, report the number of children ages 3-21 with in-school suspensions summing to 10 days or less during the school year for any offense or combination of offenses. No child should be reported more than once in column 4A.

In column 4B, report the number of children ages 3-21 with in-school suspensions summing to more than 10 days during the school year for any offense or combination of offenses. No child should be reported more than once in column 4B.

NOTE: No child should be reported in both column 4A and column 4B. The sum of 4A and 4B is the total number of children with in-school suspensions or expulsions during the school year.

NOTE: If a child has both in-school and out-of-school suspensions in the same school year, that same child can be reported in both column 3A or 3B and column 4A or 4B.

A child should be counted in only one of the first three columns (1A, 2, or 3) for the same offense. If a child is unilaterally removed for drugs and reported in column 1A, then do NOT report the child again in column 3 for the same incident. Similarly, if a child is removed by a hearing officer for likely injury and is reported in column 2, then do NOT report the child again in column 3 for the same incident.

A child who is subject to both an in-school and an out-of-school suspension for the same offense should be reported in both columns 3 and 4.

A child with more than one offense could be counted in more than one column (1A, 2, or 3). For example, a child who was unilaterally removed to an interim alternative educational setting and, later in the school year, was subject to an out-of-school suspension for more than 10 school days for a separate offense, should be reported in both column 1A and column 3.

Column 5 is a report of disciplinary removals. In column 5A, report the number of times any child with a disability was subject to any kind of disciplinary removal during the school year. When counting disciplinary removals, include in-school suspensions, out-of-school suspensions, expulsions, removals by school personnel to an interim alternative educational setting for drug or weapon offenses or serious bodily injury, and removals by hearing officer for likely injury to self or others. Note that column 5A is a report of disciplinary events, NOT children. If a child has more than one disciplinary removal in the school year, then each removal should be reported in column 5A.

Report each child with a disciplinary removal only once in either column 5B, 5C, or 5D according to the cumulative number of days of removal during the school year.

In column 5B, report any child whose cumulative length of removal during the school year totaled 1 day or less.

In column 5C, report any child whose cumulative length of removal during the school year totaled between 2 and 10 days.

In column 5D, report any child whose cumulative length of removal during the school year totaled more than 10 days.

All children reported in columns 5B through 5D should have one or more disciplinary removals reported in column 5A. For example, a child who was suspended three times for three days each during the school year (a total of 9 days) should be reported 3 times in column 5A and once in column 5C.

NOTE: The sum of 5B, 5C, and 5D is the total number of children with one or more disciplinary removals during the school year. Each child reported in columns 1A, 2, 3, or 4 should be reported only ONCE in column 5B, 5C, or 5D, based on the cumulative number of days the child was removed during the school year.

Section B: Disciplinary Removal Type by Race/Ethnicity

The columns found in Section A are repeated in Section B. In Section B, however, data are reported by race/ethnicity categories. States *must* report the number of children in columns 1, 2, 3, and 5 by race/ethnicity.

In October 1997, OMB issued standards for the collection and aggregation of data on race and ethnicity (see "Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity"). In that announcement, OMB identified a minimum of five racial categories -- American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White -- and one ethnic category -- Hispanic or Latino. Additionally, OMB announced that individuals should be allowed to select as many race/ethnicity categories as were applicable. This data collection allows for the reporting of only one race or ethnicity category per individual and is therefore not in compliance with these standards. OSEP and the Department of Education (ED) are considering changes to the categories used for reporting aggregate data to bring this collection into compliance with OMB's standards. For the time being, data should be reported using the five racial categories described below.

The race/ethnicity categories are defined as follows:

American Indian or Alaska Native	A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.
Asian or Other Pacific Islander	A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This includes, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, Vietnam, Hawaii, Guam, and Samoa.

Black (not Hispanic)	A person having origins in any of the Black racial groups of Africa.
Hispanic	A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
White (not Hispanic)	A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
Total	The unduplicated total across the race/ethnicity designations.

Note that children can only be reported in *one* race/ethnicity category.

Section C: Disciplinary Removal Type by Gender

The columns found in Section A are repeated in Section C. In Section C, States *must* report data in columns 1, 2, 3, and 5 by gender.

Section D: Disciplinary Removal Type by Limited English Proficiency Status

The columns found in Section A are repeated in Section D. In Section D, States *must* report data in columns 1, 2, 3, and 5 by limited English proficiency status.

Limited English Proficient. A child who meets the definition of a limited English proficient child under the Elementary and Secondary Education Act, 20 U.S.C Section 7801(A)(25).

LEP status should reflect the child's status at the time of the removal.

Section E. Children Subject to Expulsion With and Without Educational Services by Disability Status

In column 6A, States *must* report the number of children with disabilities ages 3-21 and the number of children without disabilities in grades K through 12 who were subject to expulsion (as defined above in Selected Definitions) during the school year and who received educational services during the expulsion.

In column 6B, States *must* report the number of children with disabilities ages 3-21 and the number of children without disabilities in grades K through 12 who did **NOT** receive educational services during the removal.

NOTE: Children with disabilities must receive educational services during any removal of more than 10 school days. The only children with disabilities who should be reported in column 6B are those who were removed for less than 10 school days after an expulsion (e.g., children with disabilities expelled under the Gun-Free Schools Act whose expulsions were modified to less than 10 school days).

Specific Instructions, Sections A through D

If, following a discipline offense, the IEP team meets and determines that the child's current placement is not the least restrictive environment for that child, and therefore makes a permanent change in the child's IEP placement, DO NOT report the child on the discipline report. If the child is suspended pending an IEP team meeting in which a his/her IEP placement is changed, the suspension *must* be reported.

In instances in which the IEP team meets to determine the appropriate setting where child will receive educational services following a unilateral removal by school personnel, a removal by a hearing officer for likely injury, or a suspension or expulsion, the removal *must* be reported on the discipline report.

For each row in Sections A through D, the number reported in column 1A should be less than or equal to the sum of each row of columns 1B, 1C, and 1D.

For each row in Sections A through D, the sum of columns 5B, 5C, and 5D should be less than or equal to the sum of columns 1A, 2, 3A, 3B, 4A, and 4B.

The number reported in each column in row 14 (the total row) of Section A should equal the number reported in the corresponding total row for Section B, section C, and section D.

When calculating cumulative days of in- and out-of-school suspension, States must include all in- and out-of-school suspensions of a half school day in length and longer. States that are unable to record data on half-day basis should report all half-day suspensions as whole day suspensions. Do not include suspensions that are less than half a school day.

NOTE: OSEP does not intend for students to be reported on the discipline form if they only have a single suspension of a half day; a student should be reported only if his/her suspensions sum to at least 1 day during the school year.